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September 12, 2022

BY ELECTRONIC FILING

Hon. Lewis A. Kaplan
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007

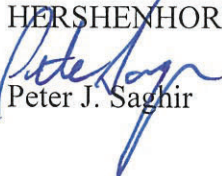
Re: Anthony Rapp v. Kevin Spacey Fowler a/k/a Kevin Spacey
Southern District of New York, Case No. 1:20-cv-09586 (LAK)

Dear Judge Kaplan:

As you know, we represent the plaintiff in the above matter. We write in response to the September 9, 2022, letter from counsel for defendant Spacey. On September 9, Mr. Scolnick, advised that us that he would be making a motion to admit certain evidence pertaining to Mr. Rapp's sexual behavior or sexual predisposition. As is clear in Rule 412(c)(2) of the Federal Rules of Evidence, "before admitting evidence under this rule, the court must conduct an in-camera hearing and give the victim and parties a right to attend and be heard. Unless the court orders otherwise, the motion, related materials, and the record of the hearing must be and remain sealed."

When we spoke with Mr. Scolnick on Friday, he informed us of only two specific instances he sought to admit. We disagree with Mr. Scolnick's representations made to this Court in his September 9 letter as it pertains to those instances and respectfully request that this Court direct defendant's motion be filed under seal and remain under seal until a hearing has been held and the parties have been heard pursuant to the F.R.E 412(c)(2).

Respectfully submitted,
GAIR, GAIR, CONASON, RUBINOWITZ, BLOOM,
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